

REMARKS

Claims 1-3, 5-10 and 13-32 are pending in this application. By this Amendment, claims 1 and 26 are amended and new claims 30-32 are added. Various amendments are made for clarity and are unrelated to issues of patentability.

Applicant maintains all of the arguments set forth in the response file October 17, 2006. Applicant has additionally amended independent claim 1 and added new claims 30-32 to include features relating to the flag setting and receiving of the second SMS message. These amendments and additional arguments provide additional reasons for patentability of the claims.

The Office Action rejects claims 1, 2, 6, 9, 10 and 21-28 under 35 U.S.C. §102(b) over U.S. Patent Publication 2001/0041578 to Na. The Office Action also rejects claims 3, 7, 11-16, 17-20 and 29 under 35 U.S.C. §103(a) over Na in view of U.S. Patent Publication 2002/0006797 to Virtanen et al. (hereafter Virtanen). Still further, the Office Action rejects claims 5 and 8 under 35 U.S.C. §103(a) over Na in view of U.S. Patent Publication 2004/0097248 to Schmidt et al. (hereafter Schmidt). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving a first short message service (SMS) message of a multimedia message service (MMS) notification message, performing a flag setting in a mobile station (MS) after receiving the first SMS message of the MMS notification message, the flag setting to restrain radio area update (RAU) processing, and receiving a second SMS message of

the MMS notification message, wherein performing the flag setting occurs prior to receiving the second SMS message.

Na does not teach or suggest all the features of independent claim 1. More specifically, Na does not explicitly teach features relating to a MMS notification message and therefore does not teach a first SMS message of a MMS notification message and a second SMS message of a MMS notification message. Further, Na does not teach or suggest performing a flag setting in a mobile station after receiving the first SMS message of the MMS notification message, the flag setting to restrain radio area update (RAU) processing. Na does not discuss first and second SMS messages of a MMS notification message in combination with the performing of a flag setting after receiving the first SMS message of the MMS notification message.

At best, Na discloses that a multimedia short message may be edited and a plurality of sub-multimedia short messages may be created by dividing a data amount of the multimedia short message by a reference transmission capacity. See Na's paragraph [0011]. However, Na does not explicitly disclose a multimedia message service (MMS) notification message that includes both a first SMS message and a second SMS message.

Further, the Office Action appears to rely on Na's paragraphs [0011] and [0012] and FIGs. 2 and 5 for features relating to performing a flag setting after receiving the first SMS message. However, these cited sections do not explicitly discuss a first SMS message of a MMS notification message and/or performing a flag setting after receiving the first SMS message of the MMS notification message. Rather, the cited sections/figures merely relate to a multimedia

short message divided into a plurality of sub-multimedia short messages based on a data amount and a reference transmission capacity.

The Office Action (on page 3) states that Na does not teach specifically a flag setting for other incoming messages of a continuous MMS composed of a plurality of SMS. The Office Action states that Na teaches a key signal and data identifier to differentiate a normal SMS message and a plurality of SMS messages linked together to make up one MMS message. However, independent 1 specifically recites performing a flag setting in a mobile station after receiving the first SMS message of the MMS notification message. The Office Action (on page 3) states that Na does not explicitly teach the flag setting. The Office Action (on page 3, lines 11-14) states that Na discloses a flag according to the definition given by applicant and a location update system. Applicant respectfully disagrees that Na discloses a flag according to a definition given in the present disclosure. The rejection based on 35 U.S.C. §102(b) is improper since Na does not teach each and every feature of independent claim 1. The rejection should be withdrawn at least for this reason.

Additionally, independent claim 1 recites performing a flag setting in a mobile station after receiving the first SMS message. The Office Action appears to broadly cite Na's paragraphs [0011]-[0012], [0014]-[0030] and [0055]-[0057]. However, independent claim 1 relates to a flag setting in a mobile station after receiving the message. The cited paragraphs do not discuss any type of flag setting in a mobile station after receiving the message. Na discloses receiving operations at paragraphs [0026]-[0030] and [0078]-[0087] with respect to FIGs. 8-9. These

paragraphs do not include the alleged features discussed on page 3 of the Office Action. Further, the Office Action's alleged features are an "interruption of transmission." See page 3, line 9 of the Office Action. However, the features of independent claim 1 relate to a performance in a mobile station after receiving the message. This differs from the "interruption of transmission." Therefore, the Office Action's discussion on page 3 does not specifically relate to the claimed features.

Still further, independent claim 1 further recites that performing the flag setting occurs prior to receiving the second SMS message. When discussing the features of the claimed flag setting, the Office Action cites Na's FIGs. 2 and 5 and paragraph [0011] and [0012]. However, this does not suggest "performing a flag setting ...after receiving the first SMS message," "receiving a second SMS message" in which "performing the flag setting occurs prior to receiving the second SMS message."

For at least the reasons set forth above, Na does not teach or suggest all the features of independent claim 1. The other applied references do not teach or suggest the missing features. Thus, independent claim 1 defines patentable subject matter.

Independent claim 10 recites that a routing area update (RAU) is controlled based on the received SMS messages of the MMS notification message and based on a flag setting of the mobile station, wherein the RAU is prevented from being performed at a time of the flag setting, and the RAU is performed after changing the flag setting.

Na does not teach or suggest all the features of independent claim 10. More specifically, Na does not teach or suggest that a routing area update (RAU) is controlled based on the received SMS message of the MMS notification message. That is, for at least similar reasons as set forth above, Na does not explicitly disclose a MMS notification message and/or received SMS messages of the MMS notification message. Further, Na also does not control a routing area update (RAU) based on a flag setting of the mobile station. For at least these reasons and the reasons set forth above, Na does not teach or suggest all the features of independent claim 10. The other applied references do not teach or suggest the missing features. Thus, independent claim 10 defines patentable subject matter.

Independent claim 16 recites releasing a radio resource (RR) connection when a first SMS message of the MMS notification message is received, performing a flag setting when the RR connection is released, receiving a second SMS message of the MMS notification message, and releasing the flag setting after receiving the second SMS message.

For at least similar reasons as set forth above, Na does not teach or suggest all the features of independent claim 16. The Office Action (on page 12) states that Na does not teach performing a flag setting and releasing the flag setting. The Office Action then cites Virtanen's paragraphs [0025], [0031]-[0033] and [0049]-[0050]. However, the cited sections do not relate to receiving messages in a mobile station. See, for example, FIGs. 2-4 showing operations in the SGSN and HLR (as compared to the MS). The citation of Virtanen does not relate to the

specifically claimed features. Accordingly, the applied references do not teach or suggest all the features of independent claim 16. Thus, independent claim 16 defines patentable subject matter.

Independent claim 21 recites receiving a first SMS message, determining whether the first SMS message comprises part of a MMS notification message, and setting a flag based on the determination regarding the first SMS message. For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 21. Thus, independent claim 21 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 10, 16 and 21 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

For example, dependent claim 6 recites determining whether the SMS message is a general SMS message or a MMS notification message based on data included in a header of the first SMS message. The cited sections of Na do not discuss a MMS notification message. Na therefore does not teach the features of dependent claim 6. Thus, dependent claim 6 defines patentable subject matter at least for this additional reason.

Dependent claim 28 recites forming one MMS notification message from the received first SMS message and the received second SMS message. The Office Action (on page 11) appears to cite Na's FIG. 8a and paragraphs [0011]-[0012]. However, step 811 (FIG. 8a) does

not teach the forming of one MMS notification message. The applied references do not teach or suggest at least these features of dependent claim 28. Thus, dependent claim 28 defines patentable subject matter at least for this additional reason.

Still further, dependent claim 30 recites that the flag setting occurs after receiving a first one of the two SMS messages constituting the MMS notification message and the flag setting occurs prior to receiving a second one of the two SMS messages constituting the MMS notification message. See also dependent claims 31-32. Na and the other applied references do not teach or suggest at least these features. Thus, dependent claims 30-32 define patentable subject matter at least for this additional reason.

CONCLUSION

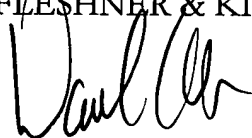
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-3, 5-10 and 13-32 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Serial No. **10/824,360**

Docket No. **P-0649**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:DCO/kah

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Please direct all correspondence to Customer Number 34610